

# STATE OF NEW YORK

7217

2025-2026 Regular Sessions

## IN SENATE

April 4, 2025

Introduced by Sen. MARTINEZ -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend the general municipal law, in relation to building permits; and providing for the repeal of such provisions upon expiration thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 125 of the general municipal law, as added by chap-  
2 ter 439 of the laws of 1998, is amended to read as follows:

3 § 125. Issuance of building permits. 1. No city, town or village shall  
4 issue a building permit without obtaining from the permit applicant  
5 either:

6 [~~1-~~] (a) proof duly subscribed that workers' compensation insurance  
7 and disability benefits coverage issued by an insurance carrier in a  
8 form satisfactory to the chair of the workers' compensation board as  
9 provided for in section fifty-seven of the workers' compensation law is  
10 effective; or

11 [~~2-~~] (b) an affidavit that such permit applicant has not engaged an  
12 employer or any employees as those terms are defined in section two of  
13 the workers' compensation law to perform work relating to such building  
14 permit.

15 2. (a) Notwithstanding any law, rule or regulation to the contrary a  
16 city, town or village in a county with a population of one million two  
17 hundred thousand or more, not wholly contained within a city, or in a  
18 city with a population of between two hundred nine thousand and two  
19 hundred ten thousand and in a county with a population of between nine  
20 hundred ninety thousand and one million, may establish a program whereby  
21 a building permit may be issued based upon a certification by a regis-  
22 tered architect licensed to practice in the state of New York or a  
23 professional engineer licensed to practice in the state of New York that  
24 the intended work as set forth in the building permit application meets

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

LBD00874-02-5

1 the requirements of the Uniform Fire Prevention and Building Code,  
2 excluding the approval of fire service features and compliance with fire  
3 protection and life safety systems as defined by the fire code of New  
4 York state, or any more restrictive local provisions relating to fire  
5 services, fire protection or life safety systems. Such program shall  
6 include the following requirements:

7 (i) no later than forty-five days after submission of a building  
8 permit application with a certification as provided for herein to the  
9 municipal building department such application shall be deemed approved  
10 unless denied;

11 (ii) in the event of a denial of a building permit application with a  
12 certification the building department shall set forth the reasons for  
13 such denial and shall cite the applicable provisions of the law or regu-  
14 lation upon which such denial is predicated; and

15 (iii) a random audit of applications for a building permit to ensure  
16 compliance. Provided, however, a city, town, or village establishing a  
17 program pursuant to this section shall be prohibited from reducing or  
18 eliminating the position of any employee involved with the building  
19 permit application process during the effectiveness of this section.  
20 Any program established by a city, town or village pursuant to this  
21 paragraph shall be referred to as an "independent certification  
22 program".

23 (b) The wrongful or negligent certification by a licensed professional  
24 pursuant to this section may constitute professional misconduct, and  
25 referral can be made to the state education department office of  
26 professions upon a finding of wrongdoing or negligence by the licensed  
27 professional by the building department with jurisdiction over the  
28 project.

29 § 2. This act shall take effect immediately and shall expire and be  
30 deemed repealed three years after such effective date.